

**COMMUNITY AFFAIRS**

**DIVISION OF CODES AND STANDARDS**

**Liquefied Petroleum Gas**

**Training Requirements**

**Proposed Amendment: N.J.A.C. 5:18-10.3**

Authorized By: Susan Bass Levin, Commissioner, Department of Community Affairs.

Authority: N.J.S.A. 21:1B-2, 9 and 15

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2004-

Submit written comments by February 3, 2005 to:

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**SUSAN BASS LEVIN  
COMMISSIONER**

The agency proposal follows:

**Summary**

The Department is proposing to amend the Certified Employee Training Program (CETP) requirements for employees handling liquefied petroleum gas. When the

Department adopted the regulations at N.J.A.C. 5:18-10.3, Employee certification, in 2003, CETP, the training program developed by the National Propane Gas Association (NPGA), required completion of 8 modules to attain certification. To ensure sufficient training for marketers, the Department had adopted requirements to complete four of the eight modules: “Basic Principles and Practices,” “Propane Delivery,” “Plant Operations,” and “Distribution System Operations.”

Recently, NPGA has revised the CETP requirements to further divide each module into submodules. Each section has been made more comprehensive and requires separate tests.

With these changes, under the current rule, companies would be required to train to these submodules, even if the submodule concerns tasks that the employee does not perform.

This proposal would require employees to complete only the submodules that are relevant for the job that he or she performs. As previously required, all employees would be required to complete “Basic Principles and Practices” within three months of the date of hire. Employees would have 21 months from the date of hire or three months from the effective date of the amendment, whichever is later, to complete all other submodules applicable to their positions.

As the Department has provided a 60-day comment period for this notice of proposal, this notice is excepted from the rulemaking calendar requirements, pursuant to N.J.A.C. 1:30-3.3(a)5.

### **Social Impact**

The proposed amendment would have a positive social impact because it would ensure employees handling LP Gas are properly trained to perform their job responsibilities without undertaking additional training on material unrelated to their duties.

### **Economic Impact**

The Department anticipates that the proposed amendment would have a positive economic impact because it would significantly reduce the time and cost of training when completion of a submodule is not required, and will provide both employers and employees with additional time to perform company operations.

### **Federal Standards Statement**

No Federal standards analysis is required because this amendment is not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

## **Jobs Impact**

The Department does not anticipate that the proposal would result in the creation or the loss of jobs.

## **Agricultural Industry Impact**

The proposed amendment would not impact the agricultural industry.

## **Regulatory Flexibility Analysis**

The proposed amendment would benefit “small businesses”, as defined by the Regulatory Flexibility Act, in N.J.S.A. 52:14B-16 et seq. Many marketers are small businesses, and this proposal would eliminate the problem of employees being required to take unnecessary training. The proposal does not include new requirements for professional services or impose any record keeping, reporting, or compliance burdens.

## **Smart Growth Impact**

Due to the subject matter of this proposal, the Department does not expect that it would have any impact upon either achievement of "smart growth" or implementation of the State Development and Redevelopment Plan.

**Full text** of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

### **5:18-10.3 Employee Certification**

(a) Any employee of a marketer licensed pursuant to N.J.A.C. 5:18 – 10.1 handling LP-gas shall obtain Certified Employee Training Program (CETP) of the National Propane Gas Association certification for Book One, “Basic Principles and Practices,” within three months of the date of hiring [or the effective date of these regulations, whichever is later. Such employee shall obtain CETP certification for Book Two, “Propane Delivery,” “Book Three, “Plant Operations,” and Book Four, “Distribution System Operations,” within 21 months of the date of hiring or of the effective date of these regulations, whichever is later].

**1. All employees of a licensed marketer who are responsible for delivering propane shall take and pass part 2.1 of the CETP program, and shall pass 2.2 if they drive a bulk delivery vehicle, part 2.4 if they drive a cylinder delivery truck or part 2.5 if they are involved in the transportation/relocation of ASME tanks.**

**2. All employees of a licensed marketer who are responsible for plant**

operations such as maintaining, purging or reconditioning tanks, shall pass parts 3.1, 3.2, 3.3, and 3.4 and shall pass, as applicable, part 3.5 or 3.6 if the employee is responsible for any aspect of cargo tank product transfers or rail car transfers respectively.

3. All employees of a licensed marketer who are responsible for the installation, alteration or repair of propane distribution systems shall pass part 4.2 of the CETP program.

4. The appropriate parts of 2, 3 and 4 of the CETP program must be completed within 21 months of the date of hire or after three months following the effective date of this amendment, whichever is later.

5. The Licensed LP-Gas marketer shall maintain documentation from CETP that each employee, responsible for any specific task listed above, has passed the appropriate CETP test(s) and the required practicum(s) for the task(s).

6. Employees who have completed the previous version of Book One, "Basic Principles and Practices," Book Two, "Propane Delivery," Book Three, "Plant Operations," and Book Four, "Distribution System Operations" of the CETP program are deemed to comply with this rule.

(b) (No change.)